

REMARKS

Applicant acknowledges with gratitude the removal of Hertz as applied art and the issuance of this additional Non-final Action.

Claims 1, 2, 3, 5, 6, 10, 14, 15, 16, 18, 19, 20, 23, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Hoff et al, Gilmour et. al. and O'Flaherty et al.

Applicant has reviewed carefully the applied publication and respectfully traverses the rejections made under 35 U.S.C. 103(a). Specifically, Applicant notes that none of the applied publications disclose any system that directs a set of content corresponding to information gathered about a person to an end user.

More particularly, van Hoff discloses a system for distributed software code to an end user and Gilmour et al. disclose a system that creates a knowledge profile of a user. Finally, O'Flaherty teaches a database management system that manages data privacy. None of these publications disclose a system that directs correlated data content to an end user. Yet this is the explicit subject matter of claim 1.

Moreover, the pending Office Action fails to assert that any of the applied publications teach or suggest directing data content to the end user, and thus fails to provide a *prima facie* of obviousness. In truth, the pending rejection takes these unrelated disclosures and puts them together strictly using hindsight reconstruction to create Applicant's claimed invention.

This fact is highlighted by the rejection of claims 4 and 17 made in further reliance on Snell et al. that disclose a heart monitor and a pacemaker. The Office Action is offering Snell et al. to fill the gap between the subject matters of claims 4 and 17 and the applied publications by van Hoff et al., Gilmour et al. and O'Flaherty et al., thereby asserting one of ordinary skill in the art would be motivated to combine a data content serving system that can direct medical information to a patient with a desktop pacemaker. Applicant submits that there is no real motivation to combine these cited publications and the proposed combination of the desktop

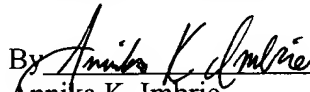
heart monitor with the medical information data serving system of claims 1, 2 and 3 arises from improper hindsight reconstruction of the claimed subject matter.

Applicant respectfully asks the rejection of claims 1, 14 and 27 be withdrawn and the case allowed to issue. Applicant notes that all other rejections are to dependent claims and therefore are also overcome by the above remarks.

Applicant believes a fee is due with this response. Please charge our Deposit Account No. 18-1945, under Order No. SIMU-P01-003 from which the undersigned is authorized to draw.

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Respectfully submitted,

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